



August 5, 2010

Senator Kay Bailey Hutchison
United States Senate
284 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Hutchison,

On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business organization, I am writing in support of S. 3673, the Patients' Freedom to Choose Act. NFIB supports your efforts to repeal two provisions included in the Patient Protection and Affordable Care Act of 2010 (PPACA) that limit patients' choice in how to use their consumer-directed health plans.

As a result of the new healthcare law, employers and employees will lose more flexibility and choice because of numerous new restrictions and regulations. In particular, the prohibition of HSA, FSA and HRA funds to purchase over-the-counter medications, along with the \$2,500 limit on FSA contributions, diminishes flexibility and threatens to further limit the ever-shrinking options employers have to provide meaningful healthcare to their employees.

It is essential to maintain purchasing tools like Health Savings Accounts (HSA) and Flexible Spending Accounts (FSA) that put individuals in control of their own healthcare and provide the portability that is necessary in today's changing and increasingly mobile workforce. HSAs and FSAs help to provide transparency for costs and allow consumers to better understand and spend their healthcare dollars more effectively. Small business owners and their employees depend on these accounts because they provide a valuable and easily accessible benefit to attract and keep qualified employees.

Thank you for your leadership on these important issues that affect small business. NFIB looks forward to working with you on this legislation, and we commend you for introducing the Patients' Freedom to Choose Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Eckerly". The signature is fluid and cursive.

Susan Eckerly
Senior Vice President
Public Policy

National Federation of Independent Business

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